

JPRS 82754

28 January 1983

Worldwide Report

LAW OF THE SEA

No. 218

FBIS FOREIGN BROADCAST INFORMATION SERVICE

NOTE

JPRS publications contain information primarily from foreign newspapers, periodicals and books, but also from news agency transmissions and broadcasts. Materials from foreign-language sources are translated; those from English-language sources are transcribed or reprinted, with the original phrasing and other characteristics retained.

Headlines, editorial reports, and material enclosed in brackets [] are supplied by JPRS. Processing indicators such as [Text] or [Excerpt] in the first line of each item, or following the last line of a brief, indicate how the original information was processed. Where no processing indicator is given, the information was summarized or extracted.

Unfamiliar names rendered phonetically or transliterated are enclosed in parentheses. Words or names preceded by a question mark and enclosed in parentheses were not clear in the original but have been supplied as appropriate in context. Other unattributed parenthetical notes within the body of an item originate with the source. Times within items are as given by source.

The contents of this publication in no way represent the policies, views or attitudes of the U.S. Government.

PROCUREMENT OF PUBLICATIONS

JPRS publications may be ordered from the National Technical Information Service, Springfield, Virginia 22161. In ordering, it is recommended that the JPRS number, title, date and author, if applicable, of publication be cited.

Current JPRS publications are announced in Government Reports Announcements issued semi-monthly by the National Technical Information Service, and are listed in the Monthly Catalog of U.S. Government Publications issued by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Correspondence pertaining to matters other than procurement may be addressed to Joint Publications Research Service, 1000 North Glebe Road, Arlington, Virginia 22201.

28 January 1983

WORLDWIDE REPORT

LAW OF THE SEA

No. 218

CONTENTS

ASIA

INTER-ASIAN AFFAIRS

- Indonesian Ship Fires at Thai Fishing Vessel
(AFP, 30 Dec 82) 1

NEW ZEALAND

- Paper Terms UN LOS Conference Both Triumph, Failures
(Editorial; THE PRESS, 8 Dec 82) 2

PHILIPPINES

- Serious Law of Sea Implications Noted
(Pal L. Ravina; BULLETIN TODAY, 3 Jan 83) 3

LATIN AMERICA

BARBADOS

- Tull Voices Objection to LOS Treaty, U.S. Failure To Sign
(ADVOCATE-NEWS, 11 Dec 82) 4

- Consequences of Law of Sea Convention Assessed
(O GLOBO, 4, 5 Jan 83; O ESTADO DE SAO PAULO, 7 Jan 83) 5

Brazilian Rights Extended
Brazil Approves 12-Mile Limit
Report Analyzes Conference
Navy To Purchase Research Vessel

PANAMA

- Treaty With Costa Rica: Ratification Instruments Exchanged
(LA ESTRELLA DE PANAMA, 16 Dec 82) 10

SUB-SAHARAN AFRICA

INTER-AFRICAN AFFAIRS

- 'Promising' SWIO Regional Cooperation Described
(Rene Morel; NATION, 6 Jan 83) 14

SEYCHELLES

- Fishing Co-Operation With Mauritius Intensified
(NATION, 21 Dec 82) 19
- Reportage on SWIO Traditional Fisheries Meetings
(NATION, 11, 14, 18 Dec 82) 21
- FAO Sponsored
Small-Scale Fishing
Joint Action Proposed

SOUTH AFRICA

- Ministry Measures To Control Fishing Criticized
(THE STAR, 9 Dec 82) 26

WEST EUROPE

INTERNATIONAL AFFAIRS

- Denmark's Dispute With EC Could Hurt Swedish Fishermen
(Ake Ringberg; DAGENS NYHETER, 13 Dec 82) 28
- Paper Criticizes Danish Handling of Dispute With FRG
(Editorial; GRONLANDSPOSTEN, 8 Dec 82) 29
- Greenland Premier Claims Denmark Allows FRG Illegal Fishing
(GRONLANDSPOSTEN, 8 Dec 82) 30
- Danish Minister Hits British Threat To Seize Fishing Boats
(Klaus Justesen; BERLINGSKE TIDENDE, 22 Dec 82) 32
- Danish Prime Minister Discusses Fishing Ties With EC, Norway
(Michael Ehrenreich; BERLINGSKE TIDENDE, 22 Dec 82) 34

FEDERAL REPUBLIC OF GERMANY

- EC Official Sees LOS Conflicting With European Interests
(Karl-Heinz Narjes Interview; WIRTSCHAFTSWOCHE, 3 Dec 82) ... 36

FRANCE

- Sea Policy as Shown in 1984-1988 Plan Examined
(Joseph Martray; LA NOUVELLE REVUE MARITIME, Nov 82) 38

SPAIN

| | |
|--|----|
| Fishing Disputes, Incidents With Morocco (Alfredo Semprum Guillen; ABC, 6 Dec 82) | 42 |
|--|----|

TURKEY

| | |
|---|----|
| Duty Setting for Straits Passage Discussed (Tahir Caga Interview; MILLIYET, 12 Dec 82) | 45 |
|---|----|

INTER-ASIAN AFFAIRS

INDONESIAN SHIP FIRES AT THAI FISHING VESSEL

BK301539 Hong Kong AFP in English 0233 GMT 30 Dec 82

[Text] Jakarta, Dec 30 (AFP) -- An Indonesian patrol ship opened fire at a Thai fishing vessel spotted fishing illegally in the East Sumateran waters, a navy spokesman said today.

The vessel, [name indistinct] No. 0564, refused to stop on seeing the patrol ship a few days ago in the Tanjung Mamiang Gulf, the spokesman said. The ship fired several shots damaging the vessel's pillars and a mezzanine and forcing it to stop, he said.

The 17 crewmen and the skipper bunchu were detained for interrogation, he added.

The Indonesian Navy is stepping up patrol activities against foreign ships entering and fishing illegally in Indonesian territorial waters, he warned.

CSO: 5200/4315

PAPER TERMS UN LOS CONFERENCE BOTH TRIUMPH, FAILURES

Christchurch THE PRESS in English 3 Dec 82 p 16

[Editorial: "Law of Sea or Jungle?"]

[Excerpts]

The final session of the United Nations Law of the Sea Conference represents both a triumph and a failure. It is a triumph because most countries of the world have managed to get together and work out a set of rules under which they will conduct themselves in the sea and around the coasts of their own and other countries. The old system, based on a three-mile limit which was related to the distance that a cannon ball could be fired, had to go some time. New arms have made such definitions redundant, growths in population have made questions of pollution more important, demand for marine resources has raised questions of who owns the resources of the sea, and the rise of more nation States has made issues of passage through archipelagos significant. It took about 10 years to find a law that seemed acceptable. That was done. The new Law of the Sea is likely to be regarded as one of the great achievements of the United Nations.

However, three of the most powerful countries in the world, the United States, Britain, and West Germany, will not sign the treaty. The Soviet Union said that it would not sign but changed its mind. Japan will probably sign but, as one of the countries which has come under intense pressure from the United States, will probably not sign immediately to avoid seeming to challenge the view of the United States on the subject. When he was in Japan recently the American Secretary of Defence, Mr Weinberger, sought to have Japan refuse to sign. In true Japanese fashion a decent interval will probably be allowed to pass before Japan puts its signature on the treaty and ratifies it.

The United States is opposed mostly to

the provisions about mining of the deep seabed. This is the area outside the jurisdiction of States which have coastlines. The Law of the Sea Conference hoped to set up a system under which both private companies and an international body would be permitted to mine the deep seabed. The United States did not like the provision that it would be incumbent on private companies to make their expertise in technology available for the international body. Mining of the deep seabed was only one element in the new Law of the Sea and there was difference of opinion among American Government departments as well as in the commercial world about the refusal to sign. Some advantage is obviously to be gained by the Defence Department, and to departments concerned with international trade, if an international treaty allows the passage of ships through straits.

The argument raised again and again through the long years of negotiation of the Law of the Sea was that if a new law were not concluded there was a chance that a law of the jungle would result. Those countries with the ability to hunt in certain areas whether for fish or minerals would be able to do so if they also had the might to stop anyone stopping them.

After the final session the answer is not at all clear. The three countries which have said that they will not sign are three of the four which actually have the technology to mine minerals from the deep seabed. Japan is the fourth.

The achievement of establishing a new Law of the Sea holds within it the seeds of failure that is more than simply an inability to agree on the subject but is a threat to the international rule of law.

SERIOUS LAW OF SEA IMPLICATIONS NOTED

Manila BULLETIN TODAY in English 3 Jan 83 p 24

[Article by Pal L. Ravina]

[Text]

A top ranking official of the Maritime Industry Authority (Marina) reported yesterday provisions of the Law of the Sea Convention of the United Nations which have serious implications on the security of signatory countries like the Philippines.

The Convention, signed by the Philippines last month, provides a legal framework for the establishment of an orderly ocean regime, delineates jurisdictional regimes such as archipelagic waters, territorial sea, contiguous zone, exclusive economic zone, high seas, etc., defines the rights and obligations of signatory states and provides an international machinery for the settlement of disputes between or among nations.

P. Vergel de Dios, Jr., Marina chief legal counsel, said that

while Article 5 of the Convention provides that the archipelagic state has sovereignty over its archipelagic waters, it is not really so considering that the designation of sealanes where foreign ships may exercise the right of archipelagic sealanes passage, like transit passage, is subject to the approval by "competent international organization."

He said the Convention's regime of archipelagic sealanes passage is a far departure from the original concept of the archipelagic doctrine, i.e., that waters enclosed by the baselines of any state are internal waters and that foreign ships can only pass through with the consent of the said state.

He said sealanes passage in the 200-mile archipelagic waters zone cannot be suspended even for security reasons and

foreign ships are allowed to navigate in the normal mode. This means that submarines are serious problem to the security of the signatory state like the Philippines which has limited naval equipment to monitor and control the movement of seacraft, he said.

According to De Dios, sealanes passage of foreign vessels in the 12-mile territorial sea belt outside the archipelagic waters can be suspended for security reasons (which poses less security problem because of its distance) and submarines cannot navigate in the normal mode or underwater but have to surface to show their flags.

"And while the coastal state may designate sealanes and prescribe traffic separation schemes where foreign vessels may exercise their right of innocent passage because of li-

imited naval capability of the Philippine government, it would be difficult to enforce our laws thereon," he said.

De Dios said the security problem is compounded by the fact that warships of different nations are granted the right of innocent passage.

He said the right of innocent passage in archipelagic waters except in archipelagic sealanes may be suspended for security reasons as provided for in Article 52 of the Convention but it is not clear where in the archipelagic waters this right is exercised and this needs clarification, he said.

He said other provisions of the Convention like shipping and other economic features like mining and exploration of the living and non-living resources of the various ocean regimes are all favorable to the Philippines.

TULL VOICES OBJECTION TO LOS TREATY, U.S. FAILURE TO SIGN

Bridgetown ADVOCATE-NEWS in English 11 Dec 82 p 1

[Excerpts] Montego Bay, Jamaica, Friday (CANA)--Barbados has expressed concern that the new United Nations Law of the Sea Convention being signed here today does not provide for foreign ships to seek permission from a coastal state to pass through its territorial waters.

Barbados' Minister of Foreign Affairs and Attorney General, Louis Tull, said the fact that this provision was not approved by the conference was a concern "especially as our domestic legislation enacts a similar provision."

Barbados said while it was satisfied with the adoption of the Convention at the 11th session it regretted that only two of the major industrialised countries voted in favour of its adoption.

Commenting on the refusal of Britain and the U.S. to sign the Convention, the Barbados Foreign Minister said: "Some of those countries are pioneers in the field of deep sea mining technology. It is the view of my delegation that the participation of the industrialised countries would facilitate implementation of the provisions relating to deep sea mining. We would hope that by the time the Convention comes into force, that they would see it fit to participate."

He said that the rule of law must be applicable to international law no less than to municipal law. "This implies clear and defined jurisdictions certainly, and equal and universal application. For states to opt out of the Convention and to pursue bilateral and parallel arrangements is to affect the integrity of the new regime. This would be a threat to international peace and security," Mr Tull said.

Mr Tull said the Convention was a superb achievement for international cooperation.

CSO: 3298/252

CONSEQUENCES OF LAW OF SEA CONVENTION ASSESSED

Brazilian Rights Extended

Rio de Janeiro O GLOBO in Portuguese 5 Jan 83 p 16

[Text] Brasilia--Brazilian sovereignty, for the purposes of exploiting oil at sea, was extended from 200 miles to 350 miles by the Law of the Sea Convention, which was approved by the United Nations and was announced in Brasilia yesterday by naval advisers. The convention will be submitted to the national congress by the office of the president of the republic for ratification, accompanied by the report of the Brazilian delegation.

According to the convention, Brazil will return to the 12-mile maritime territorial limit, but will have economic sovereignty over an exclusive economic zone of 188 miles. Within the 200-350 mile band, the country will enjoy economic sovereignty over nonliving resources, such as oil. The juridical formula created by the convention is that of "economic sovereignty."

According to the convention, Brazilian interests are guaranteed in two maritime areas with geological formations indicating the probable presence of oil--the Sao Paulo plateau and the Amazonas cone--where prospecting is likely to produce favorable results.

The Vote

This convention was approved in the United Nations by a vote of 130 to 4, with 17 abstentions. The nations abstaining were Venezuela, which has boundary problems with Colombia; Turkey, also because of boundary disputes with Greece; Israel, because the Palestine Liberation Organization was allowed to attend the conference as an observer; and the United States, which placed restrictions on the document, claiming that some aspects of it were contrary to its interests and those of some developed countries in the maritime mining sector.

At least 50 of the nations which approved the document must ratify it, for this convention to go into effect. The committee which drafted the convention will meet next 15 March in Kingston, Jamaica, to prepare for the entry of the treaty into effect.

According to Brazilian observers, the Convention on the Law of the Sea proposes a new international economic order, in which the poor nations, and in

particular, the developing nations, will have a guarantee that their interests will be safeguarded on the seas and oceans.

Brazil's Option

One of the members of the Brazilian delegation, Cmdr Hermes Eduardo Moreira, analyzed the results of the Conference on the Law of the Sea in a study for the REVISTA MARITIMA BRASILEIRA, a periodical with restricted circulation. According to the article, the new convention means that Brazil "will exchange a territorial limit of 200 maritime miles, with all the advantages sovereignty over such a broad area offers, although it is based on a legal instrument of doubtful value--a unilateral act, for a less extensive territorial area of 12 maritime miles, plus an exclusive economic zone of 188 maritime miles, wherein it will have economic sovereignty over all the living and nonliving resources found there, plus a juridical continental shelf which, in the case of Brazil, may be extended up to 350 maritime miles, wherein it will have, beyond the 200 mile line, sovereignty over all the nonliving resources and certain sedentary living species (shrimp, lobster)."

Fishing Rights

The chief of the Navy General Staff (EMA), Adm Jose Albano da Aratanha, said yesterday that the return to the 12-mile maritime territorial limit does not mean any loss for Brazil, because its economic interests are safeguarded, and it is better for the country to go along with the international consensus.

The admiral regards the guarantee of economic sovereignty over 188 miles and the further possibility of a guarantee of sovereignty of up to 350 miles for resources such as oil as important.

"Brazil adopted the 200-mile maritime territorial limit in 1970, in order to guarantee its economic interests. The new Brazilian position, incorporated in the convention and dependent on congressional ratification, has the support of 130 nations."

Naval Research Vessel

The navy will need a research vessel to survey the Brazilian continental shelf with a view to a precise definition of the limits of sovereignty for the exploitation of offshore oil.

A Japanese group has already proposed one vessel, but its purchase is subject to an economic viability study being made by the Ministry of Planning. If the purchase of this vessel is not authorized, the navy will have to seek another alternative.

117 Countries Sign

Brazil was one of the first countries to sign the Convention on the Law of the Sea, which will guarantee its territorial sovereignty over 12 miles, and in

some cases, almost 350 miles, as an exclusive economic zone. The signing of the convention began last 9 December, and to date 117 countries have already endorsed the text, which was the product of a decade of discussion among the countries.

In signing the convention, Brazil agrees to maritime territorial waters of only 12 miles instead of 200, as provided for by Decree Law 1098 dated 25 March 1970. However, these new categories have been regarded as a victory for the countries which, like Brazil, sought control of a larger maritime area than the developed countries, such as the United States, would agree to.

Brazil will have almost absolute sovereignty over the 12 miles of territorial seas. In the exclusive economic zone, the country will have control of fishing, scientific research and any other type of economic exploration, but there will be freer international navigation than within the 12-mile limit.

The Convention on the Law of the Sea recognizes the sovereign rights of the coastal nation over its continental shelf beyond the 200-mile limit and to the outer boundary of the shelf. The criteria for the definition of this boundary will be very specific and technical, involving such data as sediment thickness and others. In the case of Brazil, at some points along the coast this shelf extends to 350 miles, and for this reason, the exclusive economic zone of Brazil exceeds the planned 200 miles.

While in Montego Bay, Jamaica, for the signing of the convention, the head of the Brazilian delegation, Ambassador Thompson Flores, stressed the position of the government to the effect that the navigational rights attributed by the convention to third nations in the exclusive economic zone of a country--between 12 and 200 miles--cannot under any circumstances be used for military exercises or maneuvers without the prior knowledge and consent of the coastal nation.

The Convention on the Law of the Sea will go into effect 1 year after the ratification of the document by at least 60 nations. The United States has not signed. The Carter government had approved its terms, but the Reagan government changed tack and refused to sign.

Brazil Approves 12-Mile Limit

Rio de Janeiro O GLOBO in Portuguese 4 Jan 83 p 4

[Text] The Brazilian government has already approved the concept of the 12-mile maritime territorial limit and the exclusive economic zone established by consensus at the Conference on the Law of the Sea sponsored by the United Nations organization. The study on the new Brazilian position is being made by the Ministry of Foreign Affairs and will, in due course, be submitted to President Figueiredo, according to a representative of the admiralty who discussed the new Brazilian position yesterday. The navy has already officially accepted the change, leaving official approval up to the Itamaraty Palace.

The admiral said that one cannot speak of national security at present, on the basis of the demarkation of a territorial limit of 12 or 200 miles, in view of the existence of long-range missiles. He said that the main thing is to develop a doctrine and the resources for security and to guarantee sovereignty over the economic resources to be found on the continental shelf.

The admiralty representative stressed that territorial limits were discussed in the past in terms of maximal weapons range, but the old guns have today been bypassed by the much more sophisticated missile technology. For this very reason, the navy, as an institution responsible for the formulation of Brazilian naval power, is not opposed to the reduction of the territorial seas.

The navy has never been in a position to exercise supervision consistent with territorial waters extending 200 miles, and according to the assessment made, it would need 10 times its resources to carry out such a task.

The concept of reduction in the territorial waters represents an international victory for the United States, which would never accept the decision of certain countries such as Brazil, and which, in reality, never succeeded in achieving an international consensus.

There are, however, differences between the position of the United States and that of other countries with regard to the use of the economic resources at the bottom of the sea, but these differences are not so great as those on the territorial waters issue.

Report Analyzes Conference

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 7 January 83 p 5

[Text] The pursuit of more intensive research and exploration activities with regard to marine resources, in order to guarantee the use of "sovereign rights" over the resources existing in the territorial waters within the exclusive 188-mile economic zone and on the continental shelf, is one of the suggestions submitted to the navy in a document analyzing the results of the Conference on the Law of the Sea held under the auspices of the United Nations organization last year.

This document, drafted by an official who participated in the conference, and which has already been submitted to naval authorities, analyzed the implications of the results produced by the conference, at which the participating nations approved a new international convention on maritime rights, providing for an area of up to 350 maritime miles--as in the Brazilian case--as the jurisdiction of the riparian nation, with an 188-mile area as an "exclusive economic exploitation zone" and a territorial limit of 12 miles.

The ratification of this convention by Brazil still depends on the congress, but the naval report takes up the issue of the 200-mile limit adopted by the Brazilian government as a "juridical instrument of doubtful value," since it was not accepted by the participants in the conference.

The document comments that, by signing the new convention, the signatory nations obtain an exclusive economic zone of 188 maritime miles, in which they will have "economic sovereignty" over all living and nonliving resources to be found there; a juridical continental shelf--which in the case of Brazil may extend up to 350 maritime miles; and the right to participate in all mining activities undertaken by international enterprises on the marine and ocean bottoms.

Apart from the pursuit of research, the report suggests that Brazil needs to increase its naval resources for purposes of making the exercise of naval policing and coastal patrolling viable, maintaining further that "the extent of the maritime area under national jurisdiction does not alter the mission and tasks undertaken by the navy."

The report says that the Brazilian delegation did not, at the conference, formally abandon the country's position as a "territorialist" nation, but merely adopted an informal position for negotiation, working "toward acceptance of the validity and usefulness of a universal convention, and thus surrendering the right to a sovereign area of 188 maritime miles" in exchange for "rights and sovereignty" in the economic sector over a maritime area of similar extent.

Navy To Purchase Research Vessel

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 7 Jan 83 p 5

[Text] Within the next few days, the navy will submit to the Planning Secretariat (SEPLAN) of the presidency of the republic the offers it has received to date in connection with the proposed purchase of a research vessel to be used for the demarkation of the exclusive 188-mile economic zone along the coast which, in accordance with the UN Convention on the Law of the Sea, each nation has the right to exploit.

According to a statement made by Adm Eduardo da Silva Fonseca Maximiano, the naval minister, the navy has selected four offers of vessels for oceanographic use, from Japan, Denmark, Poland and Finland. Further, according to the minister, who did not reveal the amount of any of the offers, the vessel offering the best conditions for purchase, given the Brazilian economic situation, is that offered by Denmark. This vessel has already been built, requiring only modifications, while the others would have to be built. Minister Maximiano added that the navy needs a vessel exclusively for research purposes, and one capable of performing such tasks in the antarctic as well. He commented that the "Barao de Teffe," which has already proceeded to the southern continent, is a support, rather than a research, vessel.

5157

CSO: 5200/2010

TREATY WITH COSTA RICA: RATIFICATION INSTRUMENTS EXCHANGED

Panama City LA ESTRELLA DE PANAMA in Spanish 16 Dec 82 p C-3

[Text] There was an exchange of ratification instruments on December 14, 1982, at the Foreign Ministry on the treaty for the delimitation of maritime areas and maritime cooperation between Panama and Costa Rica, which was signed in February 1980.

The ceremony, which began at 4:00 pm in the Ricardo J. Alfaro Room of the Foreign Ministry was attended by the minister of foreign relations, Juan Jose Amado, III, and the ambassador of the sister republic of Costa Rica in Panama, Enrique Munoz Fonseca.

The treaty on the delimitation of maritime areas and maritime cooperation between the two nations determines the limits of their respective marine areas, sets up steps to be taken to develop cooperation for the protection of renewable and nonrenewable resources within the marine areas and provides for international cooperation and the coordination of conservation measures in maritime areas, while recognizing the sovereign right of each nation to adopt pertinent rules and regulations within its respective jurisdiction.

The Exchange Formalities

In the City of Panama, capital of the Republic of Panama, on the 14th day of December, 1982, at the Foreign Ministry, His Excellency Juan Jose Amado, III, minister of foreign relations of Panama, and His Excellency Enrique Munoz Fonseca, extraordinary and plenipotentiary ambassador of Costa Rica in Panama, met with the object of exchanging ratification instruments for the Treaty on the Delimitation of Maritime Areas and Maritime Cooperation between the Republic of Panama and the Republic of Costa Rica, which was signed at San Jose, Costa Rica, on February 2, 1980.

The ambassadors, after verifying the authenticity and accuracy of the respective ratification instruments, proceeded to make the exchange, as provided for in Article IX of the treaty.

In virtue of which the following affix their signatures to this document, in two exact copies, both of which are equally valid:

For the Republic of Costa Rica:

Enrique Munoz Fonseca.

For the Republic of Panama:

Juan Jose Amado, III

Treaty on the Delimitation of Maritime Areas and for Maritime Cooperation
the Republic of Panama and the Republic of Costa Rica

The Republic of Panama and the Republic of Costa Rica, convinced that cooperation constitutes the most efficacious means for resolving matters of mutual interest between nations, and especially where ties of geographical proximity exist:

Conscious of the convenience and necessity of proceeding to delimit their maritime areas in the Caribbean Sea and the Pacific Ocean;

Aware of the necessity of safeguarding the sovereignty and jurisdiction of the maritime areas belonging to each country as well as free and rapid communication within them;

Mutually interested in the adoption of appropriate measures for the preservation, conservation, and use of existing resources in these areas, and in order to prevent, control, and eliminate their pollution;

Having resolved to celebrate a Treaty to that effect, hereby designate their plenipotentiaries, as follows:

The Most Excellent President of the Republic of Panama names His Excellency Carlos Ozores Typaldos, minister of foreign relations [sic].

The Most Excellent President of the Republic of Costa Rica names His Excellency Rafael Angel Calderon Fournier, minister of foreign relations.

ARTICLE I

To establish the following boundaries as the limits of their respective maritime areas

- a. Caribbean Sea (1)
- b. Pacific Ocean (2)

(1) In the Caribbean Sea: the median line whose points are all equidistant from the points nearest the base lines where the width of the territorial waters of each nation is measured from, according to Public International Rights, from the end of the terrestrial boundary between both countries at a point located at the mouth of the Sixaola River, latitude 09° 34' 16" North, longitude 82° 34' 00" West, where the boundaries of Costa Rica, Colombia, and Panama intersect,

(2) In the Pacific Ocean: The median line whose points are all equidistant from the points nearest the base lines where the width of the territorial waters of each nation is measured from, according to Public International Rights, the boundary between the maritime areas of both countries will be a line starting from the southern end of the terrestrial boundary at Punta Burica ascending to a point along the parallel 05° 00' 00" North and longitude 84° 19' 00" West of Greenwich.

PARAGRAPH: The lines and points agreed on are set forth on the nautical charts which are signed by the plenipotentiaries and attached to this Treaty as an appendix, it being agreed that in any case the tenor of this Treaty will prevail.

ARTICLE II

To accept and respect the measures by which each nation exercises at present or may exercise in the future its sovereignty, jurisdiction, vigilance, control, or rights in the maritime areas adjacent to its coasts, delineated by virtue of this Treaty, in conformance with what each country has established or may establish in the future and under the regulations appropriate to its domestic laws.

ARTICLE III

The Republic of Panama, considering it of great importance that the Republic of Costa Rica expressly recognize the character of Historic Bay in the Great Gulf of Panama, has requested such recognition from Costa Rica.

The Republic of Costa Rica, aware that its express recognition of the character of Historic Bay in the Great Gulf of Panama is of great importance for the incontestability of said character declares that it does not object to the determination made to this respect by the Republic of Panama by means of its Law Number Nine of January 30, 1956.

ARTICLE IV

To develop the broadest cooperation between the parties for the protection of renewable and nonrenewable resources within the maritime areas over which they exercise or may in the future exercise sovereignty, jurisdiction, or vigilance and to use such resources for the benefit of their respective countries.

ARTICLE V

Promote the broadest international cooperation to coordinate the conservation measures that each nation may apply in maritime zones under its sovereignty or jurisdiction, particularly with reference to species that migrate from outside of their respective maritime areas, taking into account recommendations made by competent organizations and the most accurate and up-to-date scientific data. Such international cooperation shall not diminish the sovereign right of each nation to adopt norms and regulations it judges pertinent within the area of its respective jurisdiction.

ARTICLE VI

To mutually lend all available facilities for the purpose of developing the exploitation and utilization of live resources in their respective maritime areas.

ARTICLE VII

Both parties will cooperate with the other to the best of their ability in applying the most suitable methods to impede, reduce, and control the pollution of the maritime areas that affect the neighboring nation, whatever the cause may be, for which they will coordinate their efforts, to the extent possible, in accordance with domestic laws.

ARTICLE VIII

Promote the broadest possible cooperation to encourage the rapid movement of international navigation in the seas that come under the sovereignty or jurisdiction of each nation.

ARTICLE IX

This Treaty will be submitted to the constitutional process of the contracting parties for ratification and will enter into force upon the exchange of ratification instruments. This ceremony will take place in Panama City.

In virtue of which the plenipotentiaries have signed this Treaty in two copies in the Spanish language, both texts being authentic, in the city of San Jose on the 2nd of February 1980.

For the Government of the Republic of Panama

For the Government of the
Republic of Costa Rica

9015

CSO: 5200/2009

'PROMISING' SWIO REGIONAL COOPERATION DESCRIBED

Victoria NATION in English 6 Jan 83 pp 4-7

[Article by Rene Morel]

[Text]

EIGHT countries of the South West Indian Ocean are meshed together in a United Nations Food and Agriculture (FAO)-sponsored project to enable them to derive the maximum economic benefits from their maritime resources.

Four times in the last four months, representatives from the Comoros, Kenya, Mauritius, Madagascar, Mozambique, Seychelles, Somalia and Tanzania, all members of the SWIO Fisheries Development and Management Project set up two years ago, met again to draw the lines for cooperation among themselves in the field of fisheries.

Observers here at the headquarters of the project have noted, from the delegates' desire to coordinate the fishing activities in the region, that the countries of the South West Indian Ocean are well on the way to unfolding a good example of South-South cooperation.

These littoral states, although they share the poorest fish stocks in all of Africa, want to improve the lives of their fishermen, at the same time conserving the stocks they have and protecting the resources from poachers.

Commenting on this cooperation scheme, the project's director, Mauritian-born David Ardill, said: "Member countries wishing to develop their fisheries could benefit from the experiences acquired by other nations without starting from zero".

To countries like Seychelles, fisheries have always been regarded as the most important natural resources for the country's economic development, although this has yet to prove its worth as a good source of foreign exchange. No other country in the SWIO exports fish, except for Mauritius which possesses a cannery. Only Seychelles, with 65,000 people, has been

able to saturate its home market, thus assuring the population of a high source of protein in their diet.

Kenya gets two-thirds of its fish supplies from freshwater and as for the other countries, the traditional fishermen are just not landing enough to supplement food supplies.

Of the 60 million people inhabiting the region, there are 100 000 who depend on fishing for their daily lives whereas the average production of each of these fishermen is a little over a tonne a year.

Inadequate

Said Mr. Robert Grandcourt, the Seychellois Principal Secretary for Planning in the Ministry of Planning and External Relations, at the opening of one of two seminars here in December: "This is grossly inadequate either to ensure a decent living or to meet the minimum protein requirements of their people."

Most of the SWIO fishermen have for years been employing artisanal methods to catch the fish: that is when the weather is good, they roll their pirogues or whaleboats down the beaches and go a short distance from shore to fish with hand lines, traps or small beach seine. In some areas along the shores of these countries, the stocks have been over-exploited while other richer areas cannot be reached either because the boats are not seaworthy to make long trips or

the fishermen do not have the incentive to bring back bigger catches.

In the case of Seychelles, the Minister for Planning and External Relations, Dr. Maxime Ferrari, was only too happy last month to announce to his country's traditional fishermen that the near-shore stocks could yield 21,000 tonnes of pelagic fish annually—which is good news to a nation landing only 6,000 tonnes a year. A big question that was debated at the seminars was how to dispose of these bigger catches, especially when the fish does not attract an international market.

Dr. Ferrari got this evaluation of Seychelles near-shore stocks of pelagic fish from a group of West German scientists who had been conducting a two-year joint research project around the islands. Such research programmes were other topics discussed at the SWIO seminars for co-operation purposes.

Although they are sharing the poorest fish stocks in Africa, the fishermen of the SWIO region could still increase their catches eight times, provided they acquire the simple but reliable technology to enable them to reach unexploited banks far away from shore where the stocks are falling prey to poachers.

It has been estimated that the region could yield a little over a million tonnes of fish

annually compared to the 110,000 tonnes landed at present. This represents more food to the people of the region, a higher standard of living for the fishermen and a source of foreign exchange to countries producing enough for export.

The Saya de Malha, shared between Mauritius and Seychelles, is one such fishing bank promising good catches, but it is very far from shore.

At the seminar in December on traditional or small scale fishing in the SWIO region, delegates regarded the role of the artisanal fishermen in developing their countries' fisheries as very important, to the point of surpassing those of the industrialised nations.

Proper vessels

The delegates discussed the design of a proper type of vessel that could reach further out but which, at the same time, could be easily operated by the fishermen at a minimum cost. Delegates considered a boat that could be adapted throughout the region with the introduction of sails to reduce the cost of fuel.

According to Mr. Ardill, the SWIO Project Director, if they were proven reliable and satisfactory, such small vessels could be more efficient than bigger vessels operated by the industrialised nations far away from their shores.

The representatives of the eight countries also think

that small boats costing collectively the same as one large vessel will catch much more fish, employ more people, have much lower operating costs and have less detrimental effects on the fishing stocks and habitats.

Various types of fishing boats currently in use throughout the region were studied to find common adaptations.

An FAO official has predicted that by the year 2000, such developing nations may become the major exporters of fish in the world as the rising cost of operating big vessels away from the shores is preventing industrialised nations from assembling big fleets.

Research and studies conducted in the SWIO region are advising against the use of big purse seiners as these could cause excessive exploitation of the resources. Trawling is also not encouraged, again because of the coral heads on the sea bed and the danger of netting one whole stock in one go.

By the time the current which sweeps north across the Indian Ocean reaches the region, it has been rid of almost all of the nutrients the fish require. It is only along the coast of Somalia that a depression of the water brings up additional nutrients from the depths of the ocean. "That is why Somalia and the Seychelles, the latter lying at

the tail end of the Equatorial counter current, are richer in fish stocks than other countries in the South West Indian Ocean", explained Mr Ardill

The water in the area is however good for tourism "It gives clear water but is not good for fishing," Mr. Ardill pointed out.

One of the greatest obstacles to the development of fishing in the region has been the shortage of fishing gear supplies. Fishermen often make their own woven traps and nets if they can obtain the thread, sinkers, crude rope and floats. None of the SWIO members is currently earning as much from the export of fish products as they are paying out in foreign exchange for the importation of gear, fuel and equipment for catching the fish.

Another problem discussed by the SWIO delegates was how to equip the traditional fishermen with the means of preserving their fish throughout the long trip back to shore and to markets in the hinterland.

At present, the fish is sold straight away after being caught. In many countries on continental Africa no good facilities and proper road access are available for quick transportation of the highly perishable commodity from the shore to inland markets. The SWIO countries are thinking

of the use of carrier vessels with refrigerating facilities that can keep the fish in good state until it reaches far-away markets.

Tuna fishing

Apart from consolidating the role of the traditional fishermen in their development processes, most of the SWIO countries have also shown interest in tuna fisheries.

But the modern methods of catching these fish, like the pole and line and long liners, are foreign to the fishermen of the region. Until the SWIO nations are able to acquire the experiences of modern tuna fishing, they can only derive benefits from that unexploited resource through licences given to foreign fleets.

At anytime during the good season between September and April, there are about 80 ships fishing in the Seychelles Exclusive Economic Zone alone.

The SWIO countries have abundant stocks of mesopelagic species which could yield between 70,000 and 75,000 tonnes annually without any problem, according to fisheries experts, but no use has yet been found for them as they are unfit for human consumption and their conversion into fish meal for animal feeds is technically difficult and expensive.

One seminar in September was dedicated to the surveillance, management and con-

trol of the SWIO exclusive economic zones. On these aspects, the SWIO members are studying the experiences of Seychelles which is managing and patrolling its vast 800,000 square kilometres of exclusive economic zone. Seychelles patrol boats and planes, operating from Victoria and staging points on its far-flung islands, have been able to bring back to port at least three foreign vessels caught poaching inside the EEZ.

Armed with the fervour to coordinate their fishing activities, Seychelles for example, last month revised a fishing agreement with Mauritius aimed at 'consolidating regional cooperation'. It allowed the Mauritian Tuna Fishing and Canning Enterprises Ltd to net tunas in the country's EEZ, but on a very controlled basis.

This agreement, which for the first time allows the use of seigneur on a commercial basis, is a special award to Mauritius and is not offered to any other concern.

When most of the developing nations were putting their signatures to the Law of the Sea Treaty in Jamaica in December, representatives of the SWIO fisheries project were at that time meeting here and welcomed the agreement as very good news. Most of them had already claimed exclusive economic zones around their shores.

One delegate at the seminar noted that the acquisition of exclusive economic zones by the developing countries was providing a more secure basis for effective 'husbandry' of their resources and laying the responsibility for the management of their natural economic assets firmly into their hands.

FISHING CO-OPERATION WITH MAURITIUS INTENSIFIED

Victoria NATION in English 21 Dec 82 pp 1, 2

[Text] The new look regional co-operation fueled by the coming to power of a socialist government in Mauritius this June takes to the seas next month with a revised Seychellois — Mauritian agreement for tuna fishing in Seychelles' waters.

The agreement just reached between the Ministry of National Development and Mauritius Tuna Fishing and Canning Enterprises Ltd was described by Minister Jacques Hodoul as reflecting "the new spirit of regional cooperation," and in a Ministry press release as aimed at "consolidating regional co-operation in general and Seychelles — Mauritius co-operation in particular."

The accord will allow "Lady Sushil," a tuna purse seiner owned by the Mauritian company, to fish in Seychelles Exclusive Economic Zone for 10 weeks after December 29.

The agreement extends a licence granted at the end of May this year to the 524-tonne vessel and which expires on December 29.

This licence allows "Lady Sushil" to net tuna in three ten-week expeditions at a fee of SR 70 per tonne.

The Mauritian ship carried out two expeditions over the last seven months.

The first ended in September with the "Lady Sushil" paying a licence of SR36,000. Fishing conditions were poor and the ship had to fish mostly outside the EEZ.

The second expedition which started in mid-October, was more fruitful, and the ship filled its hold.

The company is confident that the catch will be equally good during the first three months of next year.

The government press statement noted that this "proved beyond doubt that the period from September to April...

is ideal for tuna fishing in Seychelles waters and that Seychelles should seriously consider the purse seining method for its own tuna fishing industry.

The agreement came as a surprise to some people because of the Government's very strict control over purse seining.

Whereas long line fishing the type used by the Fishing Development Company (Fideco) and over 100 licensed foreign fishing vessels, catches 5-6 tunas found between 200 to 300 metres deep, purse seining collects tunas of all sizes on the surface of the sea.

An uncontrolled exploitation of Seychelles' EEZ by this method would be lethal," the press statement pointed out.

So although Seychelles might allow some foreign purse seiners to fish in its waters on a selective basis, the policy was to restrict purse seining in the future to Seychelles' own fishing fleet operating by itself or in joint ventures in which Seychelles would hold a majority share.

Still pending the creation of a national tuna fleet using purse seining as well as pole and line and long line techniques and that would enable Seychelles to exploit its resources, the Government, the

statement said, was in favour of helping countries in the region by allowing them to fish in our EEZ on a very restrictive basis and provided the operation is mutually beneficial.

The decision to allow Lady Sushil to engage in a purse seining campaign reflects that spirit of regional cooperation," the press release added.

Because of this, the Mauritius Tuna Fishing and Canning Company willingly agreed, under the new agreement, to increase the licence fee from SR70 to SR110 per tonne, payable in foreign convertible currency.

A Seychellois fishing technician will take part in "Lady Sushil's" fishing activities, joining two Seychellois already on board.

The vessel will also provide the Seychelles Government and Fideco with information as to the techniques and results of its fishing.

"It is hoped that other joint ventures between Fideco and regional fishing companies such as the Mauritius Tuna Fishing and Canning Company Ltd will be possible in the not too distant future," the press release said.

SAP

REPORTAGE ON SWIO TRADITIONAL FISHERIES MEETINGS

FAO Sponsored

Victoria NATION in English 11 Dec 82 p 1

[Text] FISHERIES officials of eight South-West Indian Ocean countries at the seminar on small-scale fisheries at the Reef Hotel, yesterday afternoon put final touches to their recommendations for developing traditional fishing.

The conclusions of the four-day United Nations Food and Agriculture Organisation-sponsored workshop will next Monday be presented to the SWIO Committee for further action.

The seminar dealt with the design and construction of boats for small-scale fishing in the region, the supply of fishing gear to and the improvement of fishing methods by traditional fishermen, conservation and processing of fish, the distribution of the fish by carrier vessels to areas difficult to reach, manpower requirements in a developing fishery, and the financing of fisheries.

The participants are from Comoros, Kenya, Madagascar, Mauritius, Mozambique, So-

malia, Tanzania and Seychelles. They visited a local fish landing point, processing facilities and the market.

The SWIO Committee (full name, the Committee for the Development and Management of Fisheries in the South West Indian Ocean) which will meet for three-days at the Reef Hotel starting Monday is chaired by Seychelles.

This will be its second session following the "Le Chaland" Mauritius meeting in April last year.

This year's agenda will cover the state of fisheries in the region; special problems of small-scale fisheries; monitoring, control and surveillance of fish stocks and fishing training facilities in the region; and the FAO World Conference on Fisheries Management and Development.

SAP

Small-Scale Fishing

Victoria NATION in English 14 Dec 82 pp 1, 2

[Text] **FOR THE SECOND** time in a week, eight South West Indian Ocean countries are meeting at the Reef Hotel at Anse aux Pins to discuss the development of small scale traditional fishing in the region.

Yesterday morning, Planning and External Relations Minister Maxime Ferrari launched the second session of the Committee for the Development and Management of the Fisheries of the South-West Indian Ocean, known as the SWIO Committee for short, pointing out how crucial its work would be to the economies of the countries involved.

As part of its work today and tomorrow, the Committee will review the conclusions and recommendations of the four-day FAO workshop on traditional fisheries that ended last Friday.

The Food and Agriculture Organisation Indian Ocean Fisheries Commission has also organised the Committee meeting.

Dr. Ferrari pointed out that in Seychelles, as in all other island and littoral states of the area, fishing was being called on to play an increasingly important role in national development.

Seychelles, he said, had achieved the objective of satisfying domestic needs, with each Seychellois consuming 85 kilogrammes of fish a year — one of the highest per capita consumption rates in the

world. Some 6,000 tonnes of fish were caught every year.

"An increase in the production of fish is therefore considered by Seychelles Government of primary importance for our economy," the Minister said. "It will help create new jobs and boost the export of high value products."

So, Seychelles considered the setting up of the Committee as only a foundation stone of fisheries development in the region and hoped that the FAO World Conference in Fishery Management and Development proposed for the near future would develop a full programme of long term collaboration.

(The proposed world conference is one of the main

items on the Committee's agenda.)

Minister Ferrari urged that the world conference should give more importance to developing island states because not only were these isolated and poor, but often their main and only resource was fishing.

Now, with the signing of Law of the Sea Treaty and the adoption of enlarged exclusive economic zones, new opportunities for further development were being opened up.

The Minister then called on donor countries to increase their help to the development and management of fisheries in the South West Indian Ocean so as to make technical co-operation between the developing countries easier.

The top FAO official at the meeting, Mr. Jean-Louis Gaudet, Senior Fishery Planning Officer in the Organisation's Fishery Development and Planning Service Division, noted that the session was being held at a time when important and far-reaching changes, such as the signing of the Law of the Sea, were taking place in world fisheries.

Most members of your Committee have already exclusive economic zones of 200 miles and have thus acquired not only a more secure basis for effective "husbandry" of the resources, but the responsibility for management is now firmly in your hands, either individually or collectively."

Everyone involved was aware, Mr. Gaudet said, they were moving towards a new era in which coastal states would have to realign their fisheries policies and management and development programmes. The Committee, he

added, was designed to help here.

The states involved had "to grapple with a poverty-stricken, small-scale fisheries sector on the one hand and meet the new challenges of managing and developing an off-shore fisheries in the EEZ on the other," he said.

Mr. Gaudet notes that while small-scale fishermen contributed a very large portion of the total fish produced in the region, their per capita income production was much less than what it could be.

"This low production results in reduced income to the fishermen and loss of potential food for the whole population," a situation aggravated by losses caused by bad handling of catches and inadequate processing, preservation, storage, distribution, communications and marketing.

"A heavy responsibility rests on us all. We have to mobilize our minds, our force as individuals, as organized bodies and governments in this important task," Mr. Gaudet said.

The Comoros, Kenya, Madagascar, Mauritius, Mozambique, Seychelles, Somalia, and

Tanzania have been joined in the Committee meeting by the FAO, the European Economic Community, the Commonwealth Secretariat, and France.

Their agenda also includes discussions on the state of fisheries in the South-West Indian Ocean, the special problems of small scale fisheries, the monitoring and surveillance of fish stocks and fishing, and the training of small-scale fishermen.

SAP

Joint Action Proposed

Victoria NATION in English 18 Dec 82 p 16

[Text] **MEMBER** countries of the South West Indian Ocean Committee which ended its Reef Hotel meeting on Wednesday found that they shared similar problems in developing and managing their maritime resources, the leader of the Seychelles delegation reported yesterday.

Mr. Wallace Samsoodin, the Chief Fisheries Officer in the Ministry of National Development, explained that each of the nations represented — the Comoros, Kenya, Madagascar, Mauritius, Mozambique, Somalia, Tanzania and Seychelles — presented a profile of its fisheries development strategy. From this the delegates deduced the difficulties being encountered and suggested priorities for joint action.

The acquisition of better technology was one such action that could be undertaken by the countries of the region to improve the knowledge of the resources in their waters, to improve economic and social conditions for the area's fishermen, to upgrade their technical skills, and to determine the appropriate development and management of these resources.

During the regional FAO seminar on traditional fisheries that preceded the SWIO Committee meeting last week,

it came out that the region's fishermen were exploiting only one-eighth of their potential fisheries resources. Given that they were able to get better fishing techniques and the proper types of boats, the region's 100,000 fishermen could increase their earnings and at the same time land a greater source of proteins for their peoples.

Mr. Samsoodin noted that the lack of skilled and semi-skilled manpower, the shortage of foreign exchange, and the difficulties of transport and communications were among the major concerns preventing the majority of the region's fishermen from improving their life-style.

He pointed out that despite these constraints, there was much that could be done at the national level to improve the situation, especially in collecting information which could help a better management of fisheries resources.

The members of the Committee for the Development and Management of Fisheries in the South-West Indian Ocean, as it is officially called, recommended a feasibility study which could harmonise legislations, license conditions, surveillance and the enforcement system of their countries' exclusive economic zones.

Seychelles, which is already successfully managing its vast exclusive economic zone, offered to help other countries to maximise their direct involvement in tuna fisheries, particularly in the waters close to the shore.

World Conference

Discussing the proposed FAO World Conference on Fisheries Management and Development, the delegates saw it as an opportunity to share experiences on various aspects of fisheries with others regions of the world. As most of the SWIO countries had exclusive economic zones, the world conference was of greater interest to them since they would be able to discuss with other regions the new opportunities provided by the new Law of the Sea Treaty, which most

developing countries have signed.

At the close of the meeting on Wednesday, Mozambique and Somalia were elected the new Chairman and Vice Chairman, respectively, of the SWIO Committee.

SAP

CSO: 5200/14

MINISTRY MEASURES TO CONTROL FISHING CRITICIZED

Johannesburg THE STAR in English 9 Dec 82 p 31

[Text] Cape Town--Scientific evidence on the Cape's fish stocks and their breeding patterns show that the new measures to conserve the pelagic fishing industry announced yesterday by the Deputy Minister of Environmental Affairs might be a blunder with disastrous consequences for the fishing industry, fisheries scientists said.

Instead of following scientific advice and reducing the Cape pelagic quota from 380 000 to 325 000, Mr John Wiley had increased the anchovy quota by one tenth by not including species such as lantern fish, maasbanker and redeye in the global quota.

Break

This mean's another 30 000 tons of anchovies could be taken, stretching the already overworked fish resource to breaking point.

Scientists said Mr Wiley's move to change the pelagic season to November to March instead of the existing January to August was apparently based on incorrect information.

Mr Wiley said the reason for the change in season was that "all scientific evidence showed the fish spawned in October." Fisheries experts on the other hand said the only scientific evidence they could point to show that most of the anchovy spawning took place in the middle of the new catching season.

A graph published in a fisheries bulletin showed the monthly egg production of the Cape peaked sharply during late November and December.

The bulletin of the International Commission for the South East Atlantic Fishery showed that October, November, December, January and February were all months in which egg production was heavy.

Expert

Dr Doug Butterworth, a Department of Applied Mathematics man and acknowledged expert on fish stocks, said Mr Wiley did not seem to understand the concept of a maximum sustainable yield.

"The best possible estimate by scientists is just as likely to be too little as too much--that's what a best possible estimate means. It is essential these estimates are acted on," said Dr Butterworth. Dr Butterworth said the ideal method to utilise a resource like fish could be compared with a wise investor who, having capital in the bank, lived off the interest.

The interest, in the case of a fishery, was the recruitment rate.

Point

Ideally the fish should be caught to a point where the product of the stock of "capital" and the recruitment or "interest" was at a maximum. That was the maximum sustainable yield.

Mr Wiley said he could not cut back on the quota because the scientists could offer no growth prospect for the industry, that the price of fish meal would rise resulting in a chain reaction and that the small boat owner would be adversely affected.

"Mr Wiley is living on his capital. Where does he expect the growth potential to come from? The scientists have told him that 325 000 tons is the best estimate. Anything over that is eating into the capital of the fish reserves," said Dr Butterworth.

Anchovy

"The latest estimates show that the anchovy estimates are too high and a figure in the low 200 000's might be a lot closer to the safe limit.

"Mr Wiley admits there is a problem in the Cape pelagic industry and its seems a strange way to solve the problem by increasing the quota."

CSO: 3400/564

DENMARK'S DISPUTE WITH EC COULD HURT SWEDISH FISHERMEN

Stockholm DAGENS NYHETER in Swedish 13 Dec 82 p 7

[Article by Ake Ringberg: "Denmark Gets into a Conflict with the EC; Swedish Fisheries Threatened"]

[Excerpts] Copenhagen, 9 Dec 82--After nearly 10 years of trying to create a common fisheries policy with the EC, the Danish government decided on Thursday, 9 December, to reject the EC Commission's "last offer" to Denmark, and consequently it looks as if a fishing war will break out when the new year begins.

The conflict can also produce repercussions in Sweden, the organization representing the interests of the fishermen and the management of the fisheries fear.

"If the EC and the Danes do not come to an agreement, the chances of our getting a quota agreement with the EC will be dismal," says Ombudsman Bjorn Lindblad of the SFR [National Association of Swedish Fishermen].

That means that two Swedish longboats will cease their activities and that herring and mackerel fishermen will have big problems.

No Agreement

Over 500 fishing boats, chiefly from Denmark and Great Britain, have to leave the Norwegian fishing area when the new year begins because of the fact that the fishing negotiations between Denmark and the EC have broken down. There is a prenegotiated agreement between the EC and Norway already, but the EC's Council of Ministers refuses to sign it until unity is achieved within the EC on fishing, DAGENS NYHETER's correspondent Bjorn Lindahl writes from Oslo.

As a consequence, a situation where there is no agreement will come into existence on New Year's Day and Norway demands that all fishing boats from the EC leave the Norwegian area immediately. Norwegian fishermen are not hit by these measures immediately since the old agreement on several kinds of fish extends until 15 January.

9266

CSO: 5200/2521

INTERNATIONAL AFFAIRS

PAPER CRITICIZES DANISH HANDLING OF DISPUTE WITH FRG

Godthaab GRØNLANDSPOSTEN in Danish 8 Dec 82 p 2

[Editorial: "That Is Not Your Game at All"]

[Text] The cod war which has broken out has created a stir in political circles in Greenland. The Greenland premier states that a profound disagreement has arisen between the Danish government and the local Greenland government, and he states that the concept of home rule will have to be re-evaluated. Arqaluk Lynge, chairman of the party Inuit Ataqatigiit [radical youth group], proposes that Greenland and the Faroes jointly discuss the relations of the two provinces with Denmark.

There is much bitterness in Greenland at the moment. When the cod war broke out immediately after the change of government last fall, we in Greenland discovered that our home rule was not worth as much with Poul Schluter as with Anker Jørgensen. At the time, we learned once more that it is no fun at all being the small one. Denmark's big neighbor had taken it into its head to maintain its fishing rights off Greenland, whatever the cost.

The surmise proved, indeed, to be correct. The Germans have now achieved their aim of helping us with the remaining quota that we shall not be able to catch. And Foreign Minister Uffe Ellemann has said that, according to international agreements, we are obligated to catch the entire quota.

Things would, undoubtedly, have been different under the Social Democratic government, which always listened to the wishes of Greenland.

It is very unsatisfactory to us that the value of our home rule will have to depend on the good will of the government in power.

The fishing industry is the life nerve of Greenland. A home rule arrangement which deprives the Greenlanders of their right of determination over the fishing off Greenland by foreign nations is not good enough for anybody. It is tantamount to depriving the Greenlanders of the feeling of their own worth. It is the same thing as saying openly to the Greenlanders: That is not your game. You do not know anything about things like that!

That policy has caused enough damage and ought not to be repeated.

7762

CSO: 5200/2513

GREENLAND PREMIER CLAIMS DENMARK ALLOWS FRG ILLEGAL FISHING

Godthaab GRØNLANDSPOSTEN in Danish 8 Dec 82 p 21

[Text] The continued cod fishing off West Greenland by the Federal Republic of Germany has given rise to a conflict between the local Greenland government and the Danish government. The local Greenland government has asked the Danish government to employ its fisheries inspection vessels to stop the fishing by the Germans, and the Greenlanders are at a complete loss to understand why the request has not been complied with.

"We take a very serious view of the disagreement between the local Greenland government and the Danish government," says Greenland Premier Jonathan Motzfeldt, who, incidentally, describes the continued fishing by the Germans beyond the 5,000 tons that had been allocated, as a downright theft.

"We had hoped that the agreement existing with the Greenland government on the problem would more or less automatically have caused the Danish government to take the initiative to implement the decision made by the Greenland government."

No Solution in Sight

There is thus no solution in sight to the conflict which arose when the German trawlers continued fishing off West Greenland after all of the 5,000 tons of cod allocated had been fished.

There are still three West German trawlers off West Greenland, but the two of them will leave the area by 10 December, John Grusgaard, fisheries officer of the Greenland Command at Grønnedal, states.

Last Monday morning, the Danish government had not yet reversed its decision tacitly to allow the Germans to go on fishing. "There have been contacts between the local Greenland government and the Danish government, but no positive move," Lars Emil Johansen, member of the local Greenland government, says.

According to reports received from the Greenland Command, the German trawlers off West Greenland have by now caught approximately 6,000 tons of cod, thus

1,000 tons beyond the quota which they were allocated under the compromise reached in Bonn.

The reason why a dispute such as the present one may arise at all is that, at the introduction of home rule, a temporary arrangement was made on the control of fishing off Greenland.

It is the local Greenland government which controls the fishing by Greenlanders in Greenland waters, while it is the Danish government which controls the fishing by foreigners.

"Problems of the kind with which we are faced at the moment will almost inevitably have the effect that the Greenland government will have to insist that the control of foreign fishing as well be transferred to the Greenland government."

Will Stop at 60,000

Whereas the Greenland government now assumes that it will be possible to fish the entire cod TAC of 62,000 tons off West Greenland, this is regarded as unlikely from the German side.

And, actually, the only assurance received from the Germans is that they will be willing to stop their fishing when the total catch reaches the 60,000 tons level.

"It is an entirely wrong idea, assuming that the 62,000 tons will have to be caught," the Greenland government states unanimously.

"On the contrary, we ought to be happy if the sensitive spawn be supplemented by a few hundred tons which it will not be possible to catch.

7262

CSO: 5200/2513

DANISH MINISTER HITS BRITISH THREAT TO SEIZE FISHING BOATS

Copenhagen BERLINGSKE TIDENDE in Danish 22 Dec 82 Sect II p 2

[Article by Klaus Justesen]

[Text] A fishery war, involving the seizure of Danish fishing vessels, huge fines, is imminent after Denmark yesterday rejected the latest proposal for a joint EC fishery policy. The deadline for avoiding such a ruinous showdown is on 30 December. In Brussels, they admit that the chances of obtaining a compromise are diminutive after the rejection by the marketing committee of the Folketing yesterday of the latest proposals.

The very moment the Danish rejection became known at the EC headquarters in Brussels, the other nine countries started their preparations for the implementation of separate national arrangements. At the same time, they made it clear that they will seek to give Danish fishermen conditions which are far worse than those they would have obtained according to the proposals of yesterday.

Threats From Peter Walker

The most serious threats came from the British minister of fisheries, Peter Walker. He stated openly that Danish fishing vessels will be seized if, as threatened by Denmark, they go inside the British 12-mile limit. They will, moreover, have their equipment confiscated, and fines of up to 700,000 kroner may be expected.

Minister of Fisheries Shocked

The clearly shocked Danish minister of fisheries, Henning Grove, said that the British threat was a manifestation of profound disappointment. He could not believe that a responsible minister would take steps which from the Danish side are regarded as illegal. At the same time, he recommended that Danish fishermen continue as hitherto.

However, well-informed sources have told BERLINGSKE TIDENDE that the British side will take up an extremely intransigent attitude. The British minister finds that he has made all the necessary concessions. That is why his

fishery organizations will demand a guarantee that their Danish colleagues will not get hold of a single "British fish."

The rejection yesterday was a serious defeat to the Danish minister of fisheries, Henning Grove. About noon, he promised his colleagues that he would seek to obtain a majority for the latest proposals. According to Henning Grove, that would involve considerable concessions in respect of the Danish demands.

According to the latest reports, it has been possible to increase the Danish hauls by more than 40,000 tons over the quantities contained in the proposals which Minister of Fisheries Karl Hjortnes last summer declined to discuss.

Disappointment Among Other EC Countries

The fact that Denmark said No once more caused clear disappointment among the other EC countries. From the Dutch side, it was thus said that the entire community has become endangered. Belgium described it as a dangerous situation that the ministers actually have to carry on negotiations with the marketing committee.

Josef Ertl of the Federal Republic of Germany described it as unheard-of that an opposition party shall be allowed to make a decision on such an important matter. Peter Walker added that, actually, it probably ought to have been Karl Hjortnes who should have been seated at the negotiating table.

Late last night, a couple of countries attempted to force through the proposals through a majority vote. Great Britain, Greece and France, however, refused to participate in such a vote, and Minister of Fisheries Henning Grove made it clear that he was ready to veto the proposals.

7762
C80: 5200/2513

DANISH PRIME MINISTER DISCUSSES FISHING TIES WITH EC, NORWAY

Copenhagen BERLINGSKE TIDENDE in Danish 22 Dec 82 Sect II p 2

[Article by Michael Ehrenreich]

[Text] An uncertain future awaits the Danish fishing industry after the rejection by the Folketing's Marketing Committee of the proposals from the other nine EC countries for a joint fishery policy.

It happened because separate national measures as of the New Year probably will be formulated on the basis of the original proposal from the EC Commission of last summer, in addition to new and more stringent regulations for control of the total volume of fish and the quotas of the individual countries.

"The government fears that the other countries will turn against Denmark in such a way that the national regulations and restrictions will not be satisfactory to Denmark. And the future of the Danish fishing industry is now extremely uncertain," says Prime Minister Poul Schluter.

According to the prime minister, the majority of the Marketing Committee rejected the following proposals:

(1) A quota of 22,000 tons of mackerel in 1983, obtained after negotiations between the EC and Norway/the Faroes. The latest mackerels were received when Great Britain yesterday gave up preferences of 4,000 tons of mackerel in the Norwegian zone. In the years after 1983, Denmark would have prospects of a larger total mackerel quota.

(2) Danish right to additional catches within the industrial fishery sector of a total of 1.3 million tons at a total export value of 1.3 billion kroner.

(3) Improvements for Danish fishermen among British priority rights in the Shetland area, according to which 60-70 percent of the Danish two-net fishing could be continued unchanged.

(4) An additional 2,000 tons of cod in the North Sea. Altogether, a total quota of 52,000 tons. The EC Commission's original proposal was for 44,000 tons of cod for Denmark.

(5) An additional 1,000 tons of haddock from West Germany in exchange for a shrimp quota.

"The government has made strenuous efforts to improve the original proposals of the other countries, but we took over a very much neglected negotiating position from the former government, where Karl Hjortnes throughout 2 years had adopted a completely negative and passive position in the negotiations. Karl Hjortnes did not even succeed in reaching agreements on half a sardine," Prime Minister Poul Schluter says.

Former Minister of Fisheries Karl Hjortnes says that Denmark will later on be able to obtain a satisfactory agreement.

"The price for obtaining a joint agreement was to be paid by Denmark only, and that was entirely unacceptable. A No on the present basis will not cause the fishing industry any greater difficulties than a Yes," says Karl Hjortnes.

"The government's proposals meant serious reductions in the hitherto catches for the most important species of fish. Information obtained from the government shows that all of the "concessions" made to Denmark will apply in 1983 only, whereas our concessions are without time limits. With its proposal, the government has broken the consensus of opinion existing so far among government, Folketing and industry," says Karl Hjortnes.

7262

CSO: 5200/2513

EC OFFICIAL SEES LOS CONFLICTING WITH EUROPEAN INTERESTS

Duesseldorf WIRTSCHAFTSWOCHE in German 3 Dec 82 pp 21-22

[Interview with EC Commissioner Karl-Heinz Narjes by Harald Hotze of WIRTSCHAFTSWOCHE about the significance of the Law of the Sea Convention: "The Convention Represents a Step Backward"]

[Text] [Question] The Law of the Sea Convention appears to be ready for signature. Has the treaty turned out to be the treaty of a century?

Narjes: The hesitancy of many countries to join the convention alone indicates that there cannot be any question of a treaty of a century. My misgivings concentrate on deep-sea mining. I also note the voices of concern being heard in connection with transit rights, with archipelago solutions--for instance, in the Aegean, the Baltic, the Adriatic and also the Strait of Malacca.

[Question] The centuries-old tradition of the freedom of the seas is being endangered by the convention?

Narjes: The convention clearly represents a step backward. It is beyond dispute that even from the aspect of territorial division, of the zoning of the oceans, the geographical area of application of the water surface to which the freedom of the seas in fact still applies has been almost halved.

[Question] The countries expect enormous future treasures of the bottom of the sea. Are its yields being distributed justly by the convention?

Narjes: In the discussion over the Convention of the Law of the Sea we are directing our attention at present in a somewhat dangerous way to a type of minerals, the so-called manganese nodules. Those we know, those we consider worth mining, and we also have the requisite technology for mining them. Therefore a number of regulations have been made with manganese mining in mind. But who is to exclude the possibility that one day minerals will also be able to be mined from below the bottom of the sea--iron or beauxite? It is already being surmised that under the bottom of the sea nonfossil methane gas can be procured as a source of energy. If therefore the convention is to be viable, we will have to orient the legal regulations toward such prospects.

[Question] Where does the Convention of the Law of the Sea contradict European interests?

Narjes: It does so most acutely in the field of deep-sea mining, because the regime which has been created for it is one of planning, of intervention. This means that for the mining of raw materials a system running counter to article 1 of GATT is being created.

[Question] The United States does not intend to sign the treaty. Doesn't that make it useless?

Narjes: I have no doubt but that Washington's refusal to sign the convention clearly limits the practicability of the treaty. Definitive statements are not yet possible at present. Also under the impression of American and European misgivings, it was recognized in the final stages of the conference that the rules for bottom-of-the-sea mining are not all that practicable.

[Question] That sounds very abstract...

Narjes: Practically speaking, it means: I have doubts as to whether on the basis of the so far still provided regime for mining under the sea any banker would give any kind of credits. The available regulations will not create any credit-worthy projects or credit-worthy consortiums. I assume that an installation for mining manganese nodules will cost at least 3 billion deutsche marks.

[Question] The [European] Commission has advocated the signing of this convention. Do the pros actually outweigh the cons?

Narjes: Four countries of the [European] Community, Ireland, Greece, Denmark and France--definitely intend to sign; three countries do not intend to do so. So we have definitely considered it proper to say that, despite all the misgivings concerning deep-sea mining, it is probably the lesser of evils to sign. But in signing we will make it clear that the treaty will be ratified only if the regulations about deep-sea mining are improved.

[Question] That will become a political statement?

Narjes: Yes. We owe this not only to our obligation to place the member countries on a common denominator again; we also owe it to the overall European interest in a viable international economic system, which can never be a system directed by accidental UN majorities. We also owe it to our relations with the United States.

[Question] Why, then the European signatures under the treaty?

Narjes: It must of course not be overlooked that after years of uncertainty the treaty again provides legal security for research and protection of the environment and in case of tanker accidents.

8790

CSO: 5200/2514

SEA POLICY AS SHOWN IN 1984-1988 PLAN EXAMINED

Paris LA NOUVELLE REVUE MARITIME in French Nov 82 pp 6-8

[Article by Joseph Martray: "The Ninth Plan: The Modest Presence of the Ocean"]

[Text] The ninth plan, for the period 1984-1988, is now in its initial phase of development, that of regional consultations. These will be completed in February 1983 and will be followed by consultations in the Economic and Social Council, then by the vote in Parliament at the end of 1983.

That series of consultations was preceded by government adoption of a text presented by the minister of state for planning and development: the "orientation document for preparation of the ninth plan."

In that volume, devoted to a very high level consideration of French prospects for the present decade, what place is given to the sea? It is of course from that viewpoint alone that we shall evaluate it in this review.

First--and this marks appreciable progress since the 1982-1984 interim plan--the sea is not completely absent. Thus in stating "the assets of France," the first section of the document mentions the sea, after "natural and agricultural resources":

"The length of its coastline and extent of its marine domain, together with the experience built up by generations of sailors and fishermen and the efforts of its researchers, have placed France in the very first rank in the sciences of the sea and their application. Development of oceanology, and marine biology in particular, assures us good positions for both fisheries and aquaculture as well as for offshore industries. It enables us to contribute effective cooperation in those fields to Third World countries, and also facilitates the efforts needed to redress our own balance of payments, which has become unfavorable in terms of fisheries products."

Concrete Proposals

It must indeed be noted, however, that in this 59-page document that is the only passage which refers to the sea. That reference, made in satisfactory

and general terms, is not taken up again anywhere else in the remaining second and third sections. But those two sections are of capital importance since they concern the "key imperatives of success" and the "paths to a new development." That is where we hoped for concrete proposals on the new conflict between ocean resources development with its manifold consequences, and France's future in the very perspective of the "coherent and courageous project" presented in conclusion as being the ambition of the present decade.

Indeed, the opening of France to the sea cannot be considered as a secondary operation reflected in a few narrow and localized initiatives. It must be an essential element of our future entailing profound changes in their understanding of certain economic realities and in their traditional behavior by the French, who have long been hemmed in by terrestrial perspectives. As was recalled by the minister of maritime affairs at the opening of the "National Sea Days" which we report in this issue, France is the third ranking power in the world in terms of the extent of its maritime domain. It ranks ninth in merchant ship tonnage, and among the leading three or four powers--in certain cases ranking first--in extent of oceanographical research, which must have considerable consequences for the orientation of the ninth plan.

We shall confine ourselves here to a few suggestions which would make it possible to go farther, while following the general plan of the document.

Adapting to an International Dimension

Concerning the "key imperatives of success," particularly "the search for a greater capacity of autonomous action by France in the world," (p 20) it should be emphasized the opening of France on the seas and overseas is a prerequisite. The drafters of the document would indeed have found in maritime problems the best illustration of the necessity for us to adapt constantly to the community and world dimension. We shall cite but four examples:

The fact that the problems facing French fisheries can be solved only on the community level and through international agreements with many countries on other continents;

The need to tackle the very grave problem of our negative balance of trade in marine products, which should be seen much more in terms of expanding our exports than in terms of a difficult limitation of our imports. But development of marine products exports itself implies development of our domestic production, which would moreover create employment in coastal regions;

The importance of marine transportation for our trade balance, but also that of services, not forgetting port activities and the complex of auxiliary activities related to transportation, as emphasized by IFM [expansion unknown] president Jean Morin in the final Sea Conference.

...the exchange of techniques and know-how with foreign countries, and for the Third World, in the field of oceanic activities where France already has a front rank position which ought to be strengthened and emphasized. In this connection, trade relationships between French coastal regions and maritime regions of Europe and other continents should be systematically developed in the period of the ninth plan.

A Broadened Horizon

In view to "opening the paths to a new development," the document indicates that in the future profound transformations will result from the spread of new technologies, the dispersion of urbanization, etc. It discusses the needed changes in conditions of life in rural France, and declares that "environmental policy must be reconsidered on new bases."

The ever-growing place of the sea and coastline in the concerns of the French people, which also reflects an awareness of maritime realities, will pose problems to be considered at the level of reflection on the orientation of the plan.

What will be the role of the coastline in the new development? How are often contradictory activities to be reconciled, and what legal machinery could be relied on? What training and information activities should be initiated? How is the sea itself to be managed? That problem is not touched on in the document, though it speaks of management of rivers and tributaries, mountains, and the Mediterranean forest. But the new law of the sea places under national jurisdiction considerable areas (200 miles from the base lines) in which the state has resources, as well as those of the continental shelf. That is a broadening of our traditional horizon, with all that entails for development and commercialization of oceans, protection of the marine environment, defense, etc.

Finally, since the ninth plan is to be one of initiatives, innovations, mutations, and changes of behavior, it would be desirable to give greater emphasis to the importance of the sea in that respect. All the more so since other activities are objects of planning for the future: aeronautics, space, telecommunications, nuclear energy, armaments industries, and even electronic bugs. And yet, in no other field are so many technological revolutions in preparation, whether it be for control of marine biological resources, and particularly aquaculture, for offshore industries, or for possible uses of ocean energy resources as oil from ever greater depths, tides, wave power, thermal energy from the sea, algae biomass, etc.

Thinking Should Begin While There is Yet Time

Once again, it would be unjust to pretend that the orientation document did not raise those prospects, since it devoted 10 lines to them. But the reference was only an "evocation" without impact on the sequel, which is the constructive portion, and that in which all other future activities are the objects of plans and proposals.

It is certainly not too late for that gap to be filled, for there is still a year left before the parliamentary debate on final adoption. That is why we suggest that real reflection should begin, in the context of the ninth plan, on what the seas can contribute to France in this decade.

0145

GD: 200/2519

FISHING DISPUTES, INCIDENTS WITH MOROCCO

Madrid ABC in Spanish 6 Dec 82 supplement pp II-III

[Article by Alfredo Semprum Guillen]

[Text] The fishing conflicts with Morocco, less than a month from the expiration of the present agreement, are already tending toward a genuine "naval war." They have been able to gather little information about the origin of the recent incidents that happened off the Saharan coast, where the machine-gunning of two Lanzarote fishing boats and the boarding of a third boat by a group of supposed Moroccans took place. Sources from the Naval Military Command of Las Palmas stated that they had only the "confused and contradictory" statements of the captains, which had not provided "sufficient evidence to determine the identity of the perpetrators of these attacks."

Without wanting to go back to the slaughter of the crew members of the Cruz del Mar or the disappearance of the Mencey de Abona --with the subsequent discovery of the handcuffed corpse of one of its sailors--, everything seems to indicate that silence is going to shroud the events once more. If in the first of the above cases suspicions pointed toward the Polisario Front, the agreements signed by Saharan representatives with a commission of the Socialist Party, presently in power, resulted in the freeing of the Canarian fishermen held in Algeria and the end, at least visible, of the Polisario "naval" actions.

At the same time there has been talk of the intervention of Mauritanian pirates, led by an ex-mercenary nicknamed "the German;" of the existence of "intimidating" actions by boats belonging to "mixed" enterprises in order to remove the independent fishermen and also the excess of zeal of the Moroccan navy patrol boats. But, really, the explanations provided by our authorities are few, not to say none. And the lack of interest seems even more serious which appears to exist among the, in principle, chief persons damaged -- shipowners and fishermen -- for an exhaustive investigation of this matter to be made.

Last April, the captain of the fishing boat "Moana," also from Lanzarote, reported that he had been the victim of an assault by a group of "pirates" who boarded his boat from another fishing boat. This news was intercepted by a radio transmitter, and in this way it reached the naval authorities.

Then it was learned that another vessel, the "Estrella," had suffered a similar attack a few days before, but that its crew decided, for unknown reasons, not to report it.

It is here that the rumors of the existence of an active "black market" in fish on the high seas take shape again. It is known the Moroccan Royal Navy uses "camouflaged" boats on special checking missions on the fishing bank. The Naval Military Command of Las Palmas confirmed to us that it was certain that they had detected the presence of armed Moroccan soldiers on board their fishing boats. What has not been officially clarified is the nature of these "special missions." Sources close to the Rabat government explained that these units could be being used in the fight against the Polisario "terrorists."

The statements by the captain of the "Ascension del Señor," which was boarded last 23 November, could confirm this theory. According to its captain, Benigno Umpierrez Martín, the "Ascension del Señor" was anchored 4 miles from the coast of the Sahara when, about 9 p.m., they were surprised by a group of unknown persons "with the looks of Moroccans."

"Without realizing it," Umpierrez said, "we ran into an outboard motor boat with five persons inside. Four of them climbed up. They were speaking Spanish and one was wearing a military uniform, and the rest were calling him corporal, although he was not wearing stripes."

The attackers asked the captain for his fishing license, his name and the number of crew members on the boat. Then they explained that they had just fired at two Saharan boats that they were trying to intercept.

"At the beginning," explained Umpierrez, "they had the submachine guns pointed at us, but afterward we gave them wine and tobacco, and they were satisfied." The Spanish fishermen could see a box of ammunition and a portable radio transmitter in the attackers' launch. The "Saharan boats" against which they asserted having fired were actually the Lanzarote fishing boats "Herminia" and "Falan," which were able to take flight.

In pure theory, this could be one of those "special missions," if it were not for two reasons: the attackers' craft -- a boat with an outboard motor -- does not have the same characteristics as the rest of the "camouflaged" units detected on the bank.

Money for Bribes

But the impression that this was a matter of Moroccan soldiers cannot be discarded. There are occasions on which these "camouflaged" crews have practiced a lesser grade piracy on their own, especially when they were not collecting their salary on time. They have also reported the fact that the Spanish fishermen were carrying money ready to bribe the commanders of the "motor-boats" in case they were surprised in prohibited waters.

Finally we have to return to the subject of the "black market." In the fishing ports of Morocco: Agadir, Mohammedia Casablanca -- they acknowledge the existence of this practice, although the Rabat authorities and the Spanish

authorities have not been well aware of the reports published in various newspapers. At any rate, the sale on the high seas of the seizures made by the Moroccan fishermen from Spanish or Korean vessels would cause sufficient concern for the number and kinds of camouflaged boats to have been increased.

The motorboats of the Moroccan Navy are not very effective, because they are concentrated in the port of Casablanca, and every time put out to sea "the word goes out" by radio among the fishermen. The fact [is] that the Moroccan fleet -- consisting of 6,000 boats and 21,000 crew member -- is not capable of supplying the local market with seizures, despite its number.

It is the "miracle of the fish," as they say in Casablanca: the more difficulties they make for the fleets that are fishing in Moroccan waters, the more is the volume of business that is reported in the port of origin of these fleets. It is not strange that there is very little interest in the investigation of the incidents that we are discussing. The Spanish-Moroccan negotiations on fishing -- apparently there is already a previous agreement to extend the validity of the licenses for another 6 months -- the efforts of Rada to increase the power of its own fishing industry, the investments of the mixed "Spanish-Moroccan" companies could suffer a serious deterioration if the problem is given its "naturalization papers."

Morocco would then be keeping up a silent fight against the illegal trade in fish and against its consequences: the black market in dirhams -- since the fishermen are collecting on the high seas in cash and in their own currency -- which is also very widespread in our market places on Ceuta and Melilla.

9545

CSO: 5200/2516

DUTY SETTING FOR STRAITS PASSAGE DISCUSSED

Istanbul MILLIYET in Turkish 12 Dec 82 p 4

[Interview with Professor Tahir Caga, chairman of the Departments of the Law of the Sea and Commercial Law and Private Law Sciences, by Mehmet Barlas]

[Text] Professor Tahir Caga was born in Beykoz, Istanbul. He went to primary school in Beykoz and graduated from the Istanbul Boys School in 1929, the Istanbul Boys Lycee in 1931, and the Istanbul Faculty of Law in 1934. He received a doctorate of law from the Zurich University Faculty of Law and Political Sciences in 1939. He held a judgeship in the Istanbul civil and commercial courts of the first instance from the beginning of 1943 until the middle of 1953 and, during the last 4 years of this period, was commercial court chairman. He worked on the commission that drafted the commercial law that is now in effect. He became visiting lecturer at the Faculty of Law in 1948, staff assistant professor in 1953, and professor at the beginning of 1963. At present, he is chairman of the Departments of the Law of the Sea and Commercial Law and Private Law Sciences.

[Question] I wish to deal with the situation that came up through your work. It is understood that, because of misinterpretation of financial statutes of the Montreux Treaty, the money collected by Turkey for transit through the straits has been unsubstantial for years.

[Answer] The Montreux Treaty, dated 20 July 1936, proposed an official duty in "gold francs" on commercial ships for transit (that is, without docking at a port in the region) through the Canakkale Straits, the Marmara Sea, and the Istanbul Straits -- termed "straits" -- per net ship tonnage:

| | |
|---|-------|
| a. For hygiene inspection | 0.075 |
| b. For lighthouses, lighted buoys, etc. | |
| Up to 800 tons | 0.42 |
| Over 800 tons | 0.21 |
| c. For lifeboat service | 0.10 |

[Question] What is a "gold franc" in this instance?

[Answer] Although the agreement does not define gold franc, there is mention of the gold franc in Footnote No 1 of Appendix No 1.

This is from the explanation, "At present, 100 kurush is equal to approximately 2 francs, 50 centimes." The gold franc was created on 7 April 1805 by Napoleon on 17 Germinal XI using the Revolution Calendar -- it is from here that the term, germinal franc, comes. In 1920, the gold franc was accepted by the League of Nations as a unit of computation which was adopted by several international treaties (such as the Universal Postal Union, International Telecommunications, and Railroad Transport agreements). It is understood that a French gold franc contains 10/31 grams of gold of 900/1000 purity. That is to say, when translating this amount to 24 carats and stating it in a decimal fraction, a gold franc is equivalent to 0.290323 grams of pure gold (24-carat gold).

[Question] Mr. Caga, in this situation, Turkey collects a duty in place of gold for transit through the straits. Perhaps, the problem in the recent past resulted from the concept of an "official price" for gold.

[Answer] Commercial ships in transit may, if they wish, pay duties to be collected in Turkish currency in accordance with the rate of exchange on the date of payment. If there were a single exchange rate for gold, this would naturally be used. However, if there is a "free" exchange rate and also an "official" exchange rate on the date of transit, which should be used? This is the problem.

The "Border and Coast Health Directorate General," which is charged with collecting ships' health duties, asked the Republic of Turkey Central Bank Exchange Directorate how to calculate the equivalent of gold francs in Turkish currency. An official exchange rate for gold was accepted using the calculations made in accordance with the answer received. If there were no official exchange rate for gold, the matter would be wide open.

[Question] I think that a floating value was, in any case, sought at Montreux, wasn't it?

[Answer] The Montreux Treaty wanted the amounts of duties to be collected by Turkish officials to correspond to indices for the prices of goods through the gold franc -- in other words, through their determination and establishment based on gold; wanted Turkey to be protected against reductions in the value of the nation's currency; and wanted Turkish officials to be guaranteed that they could always obtain true value despite these types of changes. Such goals can only be reached through application of a floating market value (exchange rate) for gold. The use of the 1973 rate of exchange for gold and the freezing of the figures at the value at that time by the Central Bank Exchange Directorate General completely conflicts with the goals pursued by the Montreux Treaty and prevents them from being realized. The use of the word, approximately, in Appendix No 1, "At present, 100 kurush is equivalent to approximately 2 francs, 50 centimes," demonstrates that a floating market value for gold is to be applied for exchange operations in keeping with the goal of the agreement.

[Question] Are there other similar applications in agreements based on gold?

[Answer] In the application of various international agreements which accept the Poincare franc as the computation unit, the same problem emerged when converting

the franc into a nation's currency. In a decision dated 10 January 1974, the Athens Court of Appeal ruled that it is necessary to use the Athens Exchange price of gold on the date of the decision as the basis for the collection procedure. The Swedish Goteborg Court, in a decision dated 2 October 1973 dealing with an accident (collision) at sea, also gave the opinion that the market value of gold on the date of the accident must be taken as the foundation.

In Turkey, our Supreme Court of Appeal, too, reached the decision that the free market price of gold on the date of payment must be the principle behind payment of gold debts with paper money. (Joint opinion dated 20 June 1956, Opinion No 9/13.)

It is seen that, even if, for a moment, it is supposed and acknowledged that there are two prices for gold -- an official and a free-market price, -- it is imperative, legally as much as from the standpoint of the goals of the Montreux Treaty, to utilize the free-market price of gold when converting the gold franc into Turkish currency.

[Question] Last month, a new practice was begun by means of a decision. How did this come about?

[Answer] When the practice that was being carried out produced incorrect results in the manner I have described, I explained the state of affairs to the Border and Coast Health Directorate General and then to the Central Bank Exchange Directorate General in Ankara on 5 April 1982 and to the Maritime Undersecretariat on 21 April 1982. In addition, I presented the situation to the Northern Seas Regional Commandant at a meeting in which we discussed Istanbul's maritime problems. The commandant, which exhibited a close interest in the problem in regard to its relation with its area of responsibility and authority, after reaching the opinion that the view I advanced was valid, pursued the topic at top-level state offices and was highly instrumental in the transition to a correct application. I consider it my duty to say this.

When the Prime Minister's Office became aware of the problem, it first asked related ministries for written opinions, and, despite the fact that all the answers it received were positive, it was dissatisfied and had all sides of the question examined again in a commission of ministers formed under a notice dated 19 August 1982. The setting down of all objections that could be put forward against the new view and of all the replies to these objections and the reasoning behind them was ordered from the commission. When the commission's investigation produced the same positive conclusion, the Central Bank was assigned the function, in order to make a transition to the new practice, of establishing and announcing daily the exchange rate of gold, taking into account its value on international exchanges. Later, as is known, the new application was instituted.

[Question] The method of computation as much as the essence of the new practice created a reaction within maritime trade circles. Will you assess the objection to the computation method?

[Answer] Spokesmen for the criticisms you speak of sent telegrams to the Prime Minister's Office and related offices.

The Maritime Trade Federation telegram dated 26 November 1982 reads, "In fact, at an IMF general council meeting held in 1979 in Rio de Janeiro, a new, international theoretical monetary unit called a 'Special Drawing Right' (SDR, for short) was established, and the value of an SDR was set, theoretically, at 3.061 gold francs."

The Istanbul Chamber of Maritime Trade notice dated 30 November 1982 states, "As we reported in our two related telegrams and as will become known, the value of 3.061 gold francs was established theoretically as equal to an SDR at the 1979 IMF general council meeting, and the immutability of this was accepted."

These statements do not conform with the truth. There was no such IMF meeting or decision. To the contrary, as I said previously, by changing the IMF status, relations with gold were cut off, and the tie between gold and the SDR was also eliminated. A decision in the form they speak of was a decision taken within the structure of the Universal Postal Union (UPU) and in the direction of its characteristics and needs. It has no connection whatsoever with the IMF and the Montreux Treaty.

11673

CSO: 5200/4701

END

END OF

FICHE

DATE FILMED

Feb 16, 1983